

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1039-04  
Bill No.: SB 289  
Subject: Landlords and Tenants; Civil and Criminal Procedure; Domestic Relations;  
 Liability; Victims of Crimes; Sexual Offenses  
Type: Original  
Date: February 27, 2017

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Bill Summary: This proposal would allow a tenant to terminate their lease or change the locks on the premises in certain situations of domestic violence, stalking, or sexual assault.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2018    | FY 2019    | FY 2020    |
|  |            |            |            |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2018    | FY 2019    | FY 2020    |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2018</b> | <b>FY 2019</b> | <b>FY 2020</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2018</b> | <b>FY 2019</b> | <b>FY 2020</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2018</b> | <b>FY 2019</b> | <b>FY 2020</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Courts Administrator** and the **Division of Insurance, Financial Institutions, and Professional Registration** assume this proposal would have no fiscal impact on their organizations.

Officials from the **Office of the Attorney General** did not respond to our request for information.

| <u>FISCAL IMPACT - State Government</u> | FY 2018<br>(10 Mo.) | FY 2019           | FY 2020           |
|---|---------------------|-------------------|-------------------|
|   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2018<br>(10 Mo.) | FY 2019           | FY 2020           |
|---|---------------------|-------------------|-------------------|
|   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> |

**FISCAL IMPACT - Small Business**

This proposal could have a direct fiscal impact to small businesses involved in residential rentals.

## FISCAL DESCRIPTION

This proposal would allow a tenant to terminate a lease agreement if the tenant or his or her dependent is a victim of domestic violence, sexual assault, or stalking. The tenant would be required to present the landlord with a written notice and either a copy of an order of protection or a report signed by a law enforcement officer, circuit judge, associate circuit judge, medical professional, or an employee of a rape crisis center.

After providing the required documents to the landlord within ninety days of the incident, the tenant would be absolved of all responsibilities under the lease and would not incur any penalties or fees for early termination. The tenant would also be discharged from the payment of rent for any period following the last day of the month in which the tenant vacates the premises.

A tenant or a tenant's dependent who is a victim of domestic violence, sexual assault, or stalking by a landlord or the landlord's employee or agent may change or add locks to the premises, at the tenant's expense, provided that the tenant provides notice to the landlord and a copy of an order of protection or a report signed by a law enforcement officer, circuit judge, associate circuit judge, medical professional, or an employee of a rape crisis center. After providing such notice, the lease will automatically terminate in ninety days unless the tenant gives notice to the landlord of an intent not to vacate the premises or terminates the lease early in accordance with the act. Upon vacating the premises, the tenant would be required to deliver the keys and all copies of the keys to the landlord.

Finally, this proposal would prohibit a tenant screening service from disclosing the status of a tenant, prospective tenant, or dependent of such tenant or prospective tenant as a victim of domestic violence, sexual assault, or stalking, or knowingly disclosing that a tenant, prospective tenant, or dependent of such tenant or prospective tenant has terminated a lease or changed the locks under the provisions of this act. A landlord could not terminate a lease, fail to renew a lease, or refuse to enter into a lease because a tenant, prospective tenant, or dependent of such tenant or prospective tenant is a victim of domestic violence, sexual assault, or stalking, or has terminated a lease or changed the locks under the provisions of this act. A landlord who violates this provision could be subject to a civil action for damages.

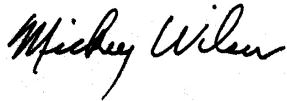
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Division of Insurance, Financial Institutions, and Professional Registration

**Not responding**

Office of the Attorney General



Mickey Wilson, CPA  
Director  
February 27, 2017

Ross Strobe  
Assistant Director  
February 27, 2017